

रजिस्टर्ड नं० पी० 461.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 17 नवम्बर, 1971/26 कार्तिक, 1893

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 12th November, 1971

No. 6-22/71-LR.—The Himachal Pradesh Urban Rent Control Bill, 1971 (Bill No. 21 of 1971) after having received the assent of the Governor, Himachal Pradesh, on the 5th November, 1971

1394 असाधारण राजपत्र, हिमाचल प्रदेश, 17 नवम्बर, 1971/26 कांतिक, 1893

under Article 200 of the Constitution of India, is hereby published
in the Rajpatra, Himachal Pradesh as Act No. 23 of 1971.

B. D. SHARMA,
Secretary (Law).

Act No. 23 of 1971

THE HIMACHAL PRADESH URBAN RENT CONTROL ACT, 1971

AN

ACT

to provide for the control of rents and evictions within the limits of urban areas.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Urban Rent Control Act, 1971.
(2) It extends to all urban areas in Himachal Pradesh.
(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Short title,
extent and
commencement.

Definitions.

- (a) "building" means any building or part of a building let for any purpose whether being actually used for that purpose or not, including any land, godowns, out-houses, or furniture let therewith but does not include a room in a hotel or boarding house;
(b) "Controller" means any person who is appointed by the State Government to perform the functions of a Controller under this Act;
(c) "landlord" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian, receiver, executor or administrator for any other person, and includes a tenant who sublets any building or rented land in the manner hereinafter authorised, and every person from time to time deriving title under a landlord;
(d) "non-residential building" means a building being used solely for the purpose of business or trade:
Provided that residence in a building only for the purpose of guarding it shall not be deemed to convert a "non-residential building" to a "residential building";
(e) "prescribed" means prescribed by rules made under this Act;
(f) "rented land" means any land let separately for the purpose of being used principally for business or trade;
(g) "residential building" means any building which is not a non-residential building;
(h) "scheduled building" means a residential building which is being used by a person engaged in one or more of the professions specified in the Schedule to this Act, partly for his business and partly for his residence; 19
(i) "tenant" means any person by whom or on whose account rent is payable for a building or rented land and includes a tenant continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation

of a building or rented land by its tenant, unless with the consent in writing of the landlord, or a person to whom the collection of rent or fees in a public market, cart-stand or slaughter house or of rents for shops has been framed out or leased by a municipal, town or notified area committee, or municipal corporation, or cantonment board; and

(j) "urban area" means any area administered by a municipal corporation, a municipal committee, a cantonment board, or a notified area committee or any area declared by the State Government by notification to be urban for the purpose of this Act.

Exemptions.

3. (1) The State Government may direct that all or any of the provisions of this Act shall not apply to any particular building or rented land or any class of buildings or rented lands.

(2) The provisions of this Act shall not apply to any building or rented land owned by the Government.

Right of tenancy to the widow or minors.

4. (1) Notwithstanding anything contained in any other law, it shall be lawful after the death of a tenant for his widow to retain possession of the building or rented land as tenant of a landlord till she dies or remarries on the same terms and conditions on which the tenancy was held by her husband and all the provisions of this Act shall apply to such a case.

(2) After the death or remarriage of the widow or where after the death of a tenant there is no widow, then in such a case, notwithstanding anything contained in any other law, it shall be lawful for minor sons or daughters of such a tenant to retain possession of any building or rented land of a landlord till the age of majority of the sons or till the daughters get married, on the same terms and conditions on which the tenancy was held by their father.

Determination of fair rent.

5. (1) The Controller shall on application by the tenant or landlord of a building or rented land fix the fair rent for such building or rented land after holding such inquiry as the Controller thinks fit.

(2) In determining the fair rent under this section, the Controller shall fix a basic rent taking into consideration,—

(a) the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 15th August, 1947; and

(b) the rental value of such building or rented land if entered in property tax assessment register of the municipal corporation, municipal town, notified area committee or cantonment board, as the case may be, prevailing at the time mentioned in clause (a).

(3) In fixing the fair rent of a residential building the Controller may allow, if the basic rent—

(i) in the case of a building in existence before the 15th day of August, 1947,—

(a) does not exceed Rs. 25 per mensem, an increase not exceeding 10 per cent on such basic rent;

(b) exceeds Rs. 25 per mensem, but does not exceed Rs. 50 per mensem, an increase not exceeding 15 per cent on such basic rent;

(c) exceeds Rs. 50 per mensem, an increase not exceeding 25 per cent on such basic rent;

(ii) in the case of a building constructed between 15th August, 1947 and 15th August, 1966—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 25 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 40 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent.

(iii) in the case of a building constructed between 16th August, 1966 and 15th August, 1971—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 40 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 65 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 75 per cent on such basic rent.

(4) In fixing the fair rent of a scheduled building the Controller may allow, if the basic rent—

(i) in the case of a building in existence before 15th August, 1947—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 15 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 20 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 30 per cent on such basic rent.

(ii) in the case of a building constructed between 15th August, 1947 and 15th August, 1966—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 30 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 45 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 55 per cent on such basic rent.

(iii) in the case of a building constructed between 16th August, 1966 and 15th August, 1971—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 45 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 70 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 80 per cent on such basic rent.

(5) In fixing the fair rent of a non-residential building or rented land, the Controller may allow, if the basic rent—

(i) in the case of a building in existence before the 15th August, 1947 or in the case of rented land—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 30 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 60 per cent on such basic rent;

(ii) in the case of a building constructed between 15th August, 1947 and 15th August, 1966—

- (a) does not exceed Rs. 25 per mensem, an increase not exceeding 40 per cent on such basic rent;
- (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 60 per cent on such basic rent;
- (c) exceeds Rs. 50 per mensem, an increase not exceeding 100 per cent on such basic rent;
- (iii) in the case of a building constructed between 16th August, 1966 and 15th August, 1971—
 - (a) does not exceed Rs. 25 per mensem, an increase not exceeding 50 per cent on such basic rent;
 - (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 70 per cent on such basic rent;
 - (c) exceeds Rs. 50 per mensem, an increase not exceeding 140 per cent on such basic rent.

(6) The provision of this section shall not apply to buildings constructed between 16th August, 1971 and 15th August, 1976.

(7) Nothing in this section shall be deemed to entitle the Controller to fix the fair rent of a building or rented land at an amount less than the rent payable for such building or rented land under a subsisting lease entered into before the 15th day of August, 1947.

6. When the fair rent of a building or rented land has been fixed under section 5, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building or rented land is then in the occupation of a tenant, at his request:

Provided that the fair rent as increased under this section shall not exceed the fair rent payable under this Act for a similar building or rented land in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement, or alteration has been completed:

Provided further that any dispute between the landlord and tenant in regard to any increase claimed under this section shall be decided by the Controller:

Provided further that nothing in this section shall apply to any periodical increment of rent accruing under any subsisting agreement entered into before the 15th day of August, 1947.

7. (1) Save as provided in section 6, when the Controller has fixed the fair rent of a building or rented land under section 5—

(a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent, but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent;

(b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void.

(2) Nothing in this section shall apply to the recovery of any rent which became due before the 15th day of August, 1947.

8. (1) Subject to the provisions of this Act, no landlord shall claim or receive any rent in excess of the fair rent, notwithstanding any agreement to the contrary.

(2) No landlord shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any building or rented land claim or receive the payment of any premium, pugree, fine, advance or any other like sum in addition to the rent.

**Increase in
fair rent in
what cases
admissible.**

**Landlord
not to claim
anything in
excess of
fair rent.**

**Fine or pre-
mium not
to be char-
ged for
grant, rene-
wal or con-
tinuance of
tenancy**

(3) Nothing in this section shall apply to any payment under any subsisting agreement entered into before the 15th day of August, 1947.

9. (1) Where any sum has, whether before or after the commencement of this Act, been paid which sum is by reason of the provisions of this Act not payable, such sum shall, at any time within a period of one year after the date of the payment, or in the case of a payment made before the commencement of this Act, within one year after the commencement thereof, be recoverable by the tenant by whom it was paid or his legal representative from the landlord who received the payment or his legal representative, and may without prejudice to any other method of recovery be deducted by such tenant from any rent payable within such one year by him to such landlord.

Rent which
should not
have been
paid may be
recovered.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, 1908 and includes also, in the case of joint family property, the joint family of which the deceased person was a member.

10. (1) Notwithstanding anything contained in any other provisions of this Act, a landlord shall be entitled to increase the rent of a building or rented land if after the commencement of this Act, fresh rate, cess or tax is levied in respect of the building or rented land by Government or any local authority, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of the Act:

Increase of
rent on ac-
count of
payment of
rates, etc.,
of local au-
thority, but
rent not to
be increased
on account
of payment
of other
taxes etc.

Provided that the increase in rent shall not exceed the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any law for the time being in force or any contract, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by any increase in the amount of the rent payable or otherwise, save as provided in sub-section (1).

Cutting of
or with-
holding
essen-
tial supply
or service.

11. (1) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the building or rented land let to him.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the Controller complaining of such contravention.

(3) If the Controller is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the Controller may pass an order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the building or rented land was cut off or withheld by the landlord without just and sufficient cause, he shall make an order directing the landlord to restore such supply or service.

(5) The Controller may in his discretion direct that compensation not exceeding one hundred rupees,—

(a) be paid to the landlord by the tenant, if the application under

- sub-section (2) was made frivolously or vexatiously;
- (b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without just and sufficient cause.

Explanation I.—In this section, “essential supply or service” includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation II.—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

Conversion
of a
residential
building
into a non-
residential
building.

Landlord's
duty to
keep the
building or
rented land
in good re-
pairs.

13. (1) Every landlord shall be bound to keep the building or rented land in good and tenantable repairs.

(2) If the landlord neglects or fails to make, within a reasonable time after notice in writing, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the building or rented land is not habitable or useable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the Controller for permission to make such repairs himself and may submit to the Controller an estimate of the cost of such repairs, and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed 3 months' rent payable by the tenant:

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the Controller, and the tenant agrees to bear the excess cost himself, the Controller may permit the tenant to make such repairs.

Eviction
of tenants.

14. (1) A tenant in possession of a building or rented land shall not be evicted therefrom in execution of a decree passed before or after the commencement of this Act or otherwise and whether before or after the termination of the tenancy, except in accordance with the provisions of this section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the applicant is satisfied—

- (i) that the tenant has not paid or tendered the rent due by him in respect of the building or rented land within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable:

Provided that if the tenant on the first hearing of the application for ejection after due service pays or tenders the arrears of rent and interest at 6 per cent per annum on such arrears together with the cost of application assessed by the Controller, the tenant shall be deemed to have duly paid or tendered the rent within the time aforesaid:

Provided further that the tenant against whom the Controller has made an order for eviction on the ground of non-payment of rent due from him, shall not be evicted as a result of his order, if tenant pays the amount due within a period of 30 days from the date of order, or

- (ii) that the tenant has after the commencement of this Act, without the written consent of the landlord—
(a) transferred his right under the lease or sublet the entire building or rented land or any portion thereof, or
(b) used the building or rented land for a purpose other than that for which it was leased, or
(iii) that the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land, or
(iv) that the tenant has been guilty of such acts and conduct as are a nuisance to the occupiers of buildings in the neighbourhood, or
(v) that where the tenant has ceased to occupy the building or rented land for a continuous period of twelve months without reasonable cause,

the Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

(3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession—

- (i) in the case of a residential building, if—
(a) he requires it for his own occupation;
(b) he is not occupying another residential or scheduled building as the case may be, owned by him, in the urban area concerned;
(c) he has not vacated such a building without sufficient cause within five years of the filing of the application, in the said urban area;
(d) it was let to the tenant for use as a residence by reason of his being in service or employment of the landlord, and the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment:

Provided that where the tenant is a workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947, he shall not be liable to be

evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord;

- (e) the landlord is a member of the Armed Forces of the Union of India and requires it for the occupation of his family and if he produces a certificate of the prescribed authority referred to in section 7 of the Indian Soldiers (Litigation) Act, 1925, that he is serving under special conditions within the meaning of section 3 of that Act or is posted in a non-family station.

4 of 1925

Explanation.—For the purpose of this sub-clause—

(1) the certificate of the prescribed authority shall be conclusive evidence that the landlord is serving under special conditions, or is posted in a non-family station;

(2) “family” means parents and such relations of the landlord as ordinarily live with him and are dependent upon him;

(f) the tenant has, whether before or after the commencement of this Act, built, acquired vacant possession of or been allotted, a residence.

(ii) in the case of a rented land, if—

(a) he requires it for his own use;

(b) he is not occupying in the urban area concerned for the purpose of his business any other rented land;

(c) he has not vacated such rented land without sufficient cause within five years of the filing of the application, in the urban area concerned;

(d) he requires rented land for construction of residential or non-residential building or for establishment of industry; and

(e) the tenant lets out his rented land, to some-body else, on higher rent.

(iii) in the case of any building or rented land, if he requires it to carry out any building work at the instance of the Government or local authority or any Improvement Trust under some improvement or development scheme or if it has become unsafe or unfit for human habitation or is required bonafide by him for carrying out repairs which cannot be carried out without the building or rented land being vacated or that the building or rented land are required bonafide by him for the purpose of building or re-building or making thereto any substantial additions or alterations and that such building or re-building or addition or alteration cannot be carried out without the building or rented land being vacated.

(iv) in the case of any residential building, if he requires it for use as an office, or consulting room by his son who intends to start practice as a lawyer, an architect, a dentist, an engineer, a veterinary surgeon or a medical practitioner, including a practitioner of Ayurvedic, Unani or Homoeopathic system of medicine or for the residence of his son who is married, if—

(a) his son as aforesaid is not occupying in the urban area concerned any other building for use as office, consulting room or residence, as the case may be; and

(b) his son as aforesaid has not vacated such a building without sufficient cause after the commencement of this Act, in the urban area concerned:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period:

Provided further that where the landlord has obtained possession of any building or rented land under the provision of sub-clause (i) or sub-clause (ii) he shall not be entitled to apply again under the said sub-clause for the possession of any other building of the same class or rented land:

Provided further that where a landlord has obtained possession of any building under the provisions of sub-clause (iv) he shall not be entitled to apply again under the said sub-clause for the use of, or as the case may be, for the residence of the same son.

(b) The Controller shall, if he is satisfied that the claim of the landlord is bona fide, make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

(c) Where an application is made under sub-clause (i) (e) of clause (a), it shall be disposed of, as far as may be within a period of one month and if the claim of the landlord is accepted, the Controller shall make an order directing the tenant to put the landlord in possession of the building on a date to be specified in the order and such date shall not be later than fifteen days from the date of the order.

(4) Where a landlord who has obtained possession of building or rented land in pursuance of an order under sub-section (3) does not himself occupy it or, if possession was obtained by him for his family in pursuance of an order under sub-clause (i) (e) of clause (a) of sub-section (3), his family does not occupy the residential building, or if possession was obtained by him on behalf of his son in pursuance of an order under sub-clause (iv) of clause (a) of sub-section (3), his son does not occupy it for the purpose for which possession was obtained, for a continuous period of twelve months from the date of obtaining possession or where a landlord who has obtained possession of a building under sub-clause (iii) of the aforesaid clause (a) puts that building to any use or lets it out to any tenant other than the tenant evicted from it, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(5) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding five hundred rupees be paid by such landlord to the tenant.

Decision
which has
become fi-
nal not to
be reopen-
ed.

Leases of
vacant
buildings.

Receipt to
be given
for rent
paid.

Deposit of
rent by the
tenant.

15. The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 14 which raises substantially issues as have been finally decided in a former proceeding under this Act.

16. Whenever any building which was constructed before 15th day of August, 1966, and was being let out to tenants remains vacant for a period of three months, the Controller may on receipt of an application from a person serve on the landlord a notice informing him that he should show cause why the vacant building be not let out to a tenant, who will pay fair rent to the landlord. On hearing the landlord the Controller may on such terms on which the building was being let out may lease the same to a person who has in his occupation no other building either as a owner or as a tenant.

17. (1) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable.

(2) Every tenant who makes a payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent.

(3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the landlord or his authorised agent to pay to the tenant, by way of damages, such sum not exceeding double the amount of rent paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent paid.

18. (1) Where the landlord does not accept any rent tendered by the tenant within the time referred to in section 17 or refuses or neglects to deliver a receipt referred to therein or where there is a bonafide doubt as to the person or persons to whom the rent is payable, the tenant may deposit such rent with the Controller in the prescribed manner.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:—

- (a) the building or rented land for which the rent is deposited with a description sufficient for identifying the building or rented land;
- (b) the period for which the rent is deposited;
- (c) the name and address of the landlord or the person or persons claiming to be entitled to such rent;
- (d) the reasons and circumstances for which the application for depositing the rent is made;
- (e) such other particulars as may be prescribed.

(3) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order the amount of the rent to be paid to him in the manner prescribed:

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (2) as claiming to be entitled to payment of such rent an opportunity of being heard and such order shall be without prejudice to the rights of such persons to receive such rent being decided by a court of competent jurisdiction.

(5) If at the time of filing the application under sub-section (4) but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons claiming to be entitled to the rent complains to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, may levy on the tenant a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the said statements were materially untrue and may order that a sum out of the fine realised be paid to the landlord as compensation.

(6) The Controller may, on the complaint of the tenant and after giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the landlord, without any reasonable cause, refused to accept rent though tendered to him within the time referred to in section 17 and may further order that a sum out of fine realised be paid to the tenant as compensation.

19. (1) No rent deposited under section 18 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty-one days of the time referred to in section 17 for payment of the rent.

(2) No such deposit shall be considered to have been validly made, if the tenant wilfully makes any false statement in his application for depositing the rent, unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the building or rented land from the tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1) and does not cease to be a valid deposit for the reason mentioned in sub-section (2), the deposit shall constitute payment of rent to the landlord, as if the amount deposited had been validly tendered.

20. (1) The withdrawal of rent deposited under section 18 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the tenant's application for depositing the rent under the said section.

(2) Any rent in deposit which is not withdrawn by the landlord or by the person or persons entitled to receive such rent shall be forfeited to Government by an order made by the Controller, if it is not withdrawn before the expiration of five years from the date of posting of the notice of deposit.

(3) Before passing an order of forfeiture, the Controller shall give notice to the landlord or the person or persons entitled to receive the rent in deposit

Time limit
for making
deposit and
consequen-
ces of incor-
rect parti-
culars in
application
for deposit.

Savings as
to accep-
tance of
rent and
forfeiture of
rent in de-
posit.

by registered post at the last known address of such landlord or person or persons and shall also publish the notice in his office and in any local newspaper.

Vesting of
appellate
authority
on officers
by State
Govern-
ment.

21. (1) (a) The State Government may, by a general or special order, by notification confer on such officers and authorities as they think fit, the powers of appellate authorities for the purposes of this Act, in such area or in such classes of cases as may be specified in the order.

(b) Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction. (In computing the period of fifteen days the time taken to obtain a certified copy of the order appealed against shall be excluded).

(2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(3) The appellate authority shall decide the appeal after sending for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as it thinks fit either personally or through the Controller.

(4) The decision of the appellate authority and subject only to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any court of law except as provided in sub-section (5) of this section.

(5) The High Court may at any time, on the application of any aggrieved party or on its own motion call for and examine the records relating to any order passed or proceedings taken under this Act for the purpose of satisfying itself as to the legality or propriety of such order or proceedings and may pass such order in relation thereto as it may deem fit.

22. For the purposes of this Act, an appellate authority or a Controller appointed under the Act shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a court under the Code of Civil Procedure, 1908.

5 of 1908

Power to
summon
and enforce
attendance
of witness-
ees.

Execution
of orders.

Landlord
and tenant
to furnish
particulars.

Penalties.

23. Save as otherwise provided in section 26, any order made by the Controller or an order passed on appeal under this Act shall be executable by the Controller as a decree of a civil court and for this purpose, the Controller shall have all the powers of a civil court.

24. Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf, such particulars in respect of such building or rented land as may be prescribed.

25. (1) If any person contravenes any of the provisions of section 10, section 11, section 12 or section 24, he shall be punishable with fine which may extend to one thousand rupees.

(2) If any person contravenes any of the provisions of clause (a) of sub-section (1) of section 7 or sub-sections (1) and (2) of section 8 shall be punishable with imprisonment which may extend to two years and with fine.

(3) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

(4) No Court shall take cognizance of an offence punishable under this Act, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

26. Any fine imposed by a Controller under this Act shall be paid by the person fined within such time as may be allowed by the Controller and the Controller may, for good and sufficient reason, extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal Procedure, 1898 and the Controller shall be deemed to be a magistrate under the said Code for the purposes of such recovery.

Controller to exercise power of a magistrate for recovery of fine.

5 of 1898

27. (1) The State Government, may, by notification, make rules for the purposes of carrying out all or any of the provisions of this Act.

Powers to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rules or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) In making any rule the Government may provide that a breach thereof shall be punishable with fine which may extend to Rs. 500 and when the breach is continuing one, with further fine which may extend to Rs. 1,000.

3 of 1949

28. (1) The East Punjab Urban Rent Restriction Act, 1949 as amended from time to time as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the East Punjab Urban Rent Restriction Act, 1949 as amended from time to time in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed.

Repeal and savings.

3 of 1949

(2) Notwithstanding such repeal, all suits and other proceedings under the said Acts pending, at the commencement of this Act, before any court or other authority shall be continued and disposed of in accordance with the provisions of the said Acts, as if the said Acts had continued in force and this Act had not been passed:

Provided that section 4 shall be applicable to all pending suits and proceedings for the fixation of fair rent or eviction against widows, minor sons or unmarried daughters of any tenant and all such suits and proceedings shall be disposed of in accordance with the provisions of this Act:

Provided further that the provisions for appeal under the said Acts shall continue in force in respect of suits and proceedings disposed of thereunder.

THE SCHEDULE

[See clause (h) of section 2]

1. Lawyers.
2. Architects.
3. Dentists.
4. Engineers.
5. Veterinary Surgeons.
6. Medical practitioners, including practitioners of indigenous systems of medicine.